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**REMARKS/ARGUMENTS**

Claims 1-20 are resubmitted. No claims have been amended. No claims were withdrawn. No new claims have been added.

**I. Examiner's Statement Regarding the Specification**

In the Office Action of July 2, 2007, the Examiner stated that the Applicant added new subject matter in the amendments to paragraphs 18-21 of Applicant's specification. Applicant has amended paragraphs 18-21 back to their original state. Thus, Applicant has cancelled the previous amendments to paragraphs 18-21 of Applicant's specification. Thus, Applicant has resolved the Examiner's concern regarding the above amendments to the specification.

**II. Examiner's Rejection Under 35 U.S.C. § 112**

In the Office Action of July 2, 2007, the Examiner states that claims 1-20 are rejected under 35 U.S.C. § 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility. Applicant assumes this sentence to be written in error and that the Examiner meant this § 101 rejection to be written under the section below marked "§ 101." Thus, Applicant will ignore this rejection at the moment, but will address it in the section below marked "§ 101."

Next, the Examiner rejected claims 1-20 "based on the newly added subject matters." As explained above, Applicant has cancelled the previous amendments to paragraphs 18-21 of Applicant's specification. Thus, Applicant has resolved the Examiner's concern regarding "the newly added subject matters." Applicant therefore respectfully requests withdrawal of this basis for rejection of claims 1-20.

Next, the Examiner rejected claims 1-20 under 35 U.S.C. § 112 first paragraph since the claimed invention is not supported by a specific asserted utility or a well established utility. The Examiner does not elaborate on this

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statement and the Examiner does not identify the claim elements that do not constitute a utility. This makes it impossible to respond to this basis for a rejection since Applicant cannot identify the Examiner's vague and ambiguous argument. Applicant respectfully requests a more elaborate and proper rejection under 35 U.S.C. § 112 first paragraph.

Nonetheless, Applicant will attempt to respond to this rejection. The independent claims clearly describe a method, server or memory storage device for providing critical chain-based project management across a plurality of projects by generating project plans and buffers, executing the plans, providing status information, providing an interface and modifying task prioritization. Thus, Applicant's claims clearly assert "a specific asserted utility or a well established utility." Applicant therefore respectfully requests withdrawal of this basis for rejection of claims 1-20.

Next, the Examiner rejected claims 1-20 under 35 U.S.C. § 112 second as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner further states that the claims are based on newly added limitations that are not supported by the original disclosure. First off, as explained above, Applicant has cancelled the previous amendments to paragraphs 18-21 of Applicant's specification. Thus, Applicant has resolved the Examiner's concern regarding "the newly added subject matters." Applicant therefore respectfully requests withdrawal of this basis for rejection of claims 1-20.

Second, Applicant will hereby go through each limitation added to the independent claims in the previous amendment and indicate where the subject matter is found in the specification. Element "project plan" can be found in paragraphs 48 and 51-53 of Applicant's specification. Element "having a critical chain" can be found in paragraphs 41, 43, 64 and 70 of Applicant's specification. Element "wherein at least one of the buffers is placed on the critical chain" can be found in paragraphs 64, 76 and 83-87. Element "reconciling project resources . . . so as to accommodate the critical chain" can

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be found in paragraphs 69-70. Element "continuously providing status information about the buffers to a user" can be found in paragraphs 83-89. Element "allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers" can be found in paragraphs 50-52, 64 and 83-85. Element "continuously modifying task prioritization" can be found in paragraphs 95-103.

Thus, Applicant has pointed out how the previous amendments to the claims are supported by the original disclosure. Applicant therefore respectfully requests withdrawal of this basis for rejection of claims 1-20.

### III. Rejection of claims under 35 U.S.C. § 101

In the Office Action of July 2, 2007, the Examiner rejects claims 1-20 under 35 U.S.C. § 101 because the invention is directed to non-statutory subject matter. The Examiner does not elaborate on this statement. The Examiner makes no statement as to which claim elements are non-statutory subject matter and the Examiner does not identify any offending claim language. This makes it impossible to respond to this basis for a rejection since Applicant cannot identify the Examiner's vague and ambiguous argument. Applicant respectfully requests a more elaborate and proper rejection under 35 U.S.C. § 101. Consequently, Applicant respectfully requests withdrawal of this basis for rejection of claims 1-20.

The Examiner goes on to state that claims 1-20 are rejected under 35 U.S.C. § 101 because the claims are not supported by a specific asserted utility or a well established utility. The Examiner does not elaborate on this statement and the Examiner does not identify the claim elements that do not constitute a utility. This makes it impossible to respond to this basis for a rejection since Applicant cannot identify the Examiner's vague and ambiguous argument. Applicant respectfully requests a more elaborate and proper rejection under 35 U.S.C. § 101 first paragraph. Nonetheless, Applicant has responded to this rejection above in the section titled "Examiner's Rejection Under 35 U.S.C. §

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112."

Next, the Examiner rejected claims 1-20 "based on the newly added subject matters." As explained above, Applicant has cancelled the previous amendments to paragraphs 18-21 of Applicant's specification. Thus, Applicant has resolved the Examiner's concern regarding "the newly added subject matters." Applicant therefore respectfully requests withdrawal of this basis for rejection of claims 1-20.

IV. Rejection of claims 1-20 under 35 U.S.C. § 102(b)

In the Office Action of July 2, 2007, the Examiner rejected claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Microsoft Solution Framework, "MSF Project Management Discipline", v 1.1 ("MSF" hereinafter). Applicant respectfully disagrees and overcomes this rejection.

With regard to element 1) above, the MSF reference does not disclose anything related to the critical chain methodology of project management. The claim term critical chain is mentioned at least four (4) times in each independent claim.

Although the Examiner states that critical chain is disclosed in the MSF reference, a review of the MSF reference reveals that there isn't even a mention of these words in the entire reference. The MSF reference does not disclose in any way the critical chain methodology. In fact, there isn't even an instance of the word "critical chain" in the entire reference. How can the Examiner possibly state that the MSF reference discloses "critical chain" when the word isn't even found in the reference?

The critical chain methodology is fundamental to and inextricable from the claimed process, as described, among other places, in paragraphs [0041]-[0042] of Applicant's specification, reproduced in relevant part below:

[0041] The present invention, according to a preferred embodiment, overcomes problems with the prior art by providing multi-project buffer management for an efficient and easy-to-

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implement multi-project management system utilizing the critical chain methodology.

[0042] . . . Another advantage of the present invention is the calculation of task priorities among multiple projects. Implementing the critical chain project management methodology in a multi-project environment requires multi-project buffer management. Thus, the present invention provides multi-project buffer management in order to provide task priorities across multiple projects. The calculation of task priorities across multiple projects allows managers to assign resources based on the overall need of all projects. (Emphasis Added)

In summary, the MSF reference does not disclose every element of independent claims 1, 5, 9, 13 and 17. Dependant claims 2-4, 6-8, 10-12, 14-16 and 18-20 include all elements of independent claims 1, 5, 9, 13 and 17, respectively, from which they depend. Therefore, the MSF reference does not disclose every element of the aforementioned dependant claims. Thus, the applicant respectfully requests withdrawal of the rejection of claims 1-20 under 35 USC § 102(b).

#### V. Inoperability of Reference

The Applicant further asserts that the MSF reference above is not operable and therefore not enabling.

"In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' . . . the stated test is whether a reference contains an 'enabling disclosure' . . ." *In re Hoeksema*, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. *Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003) (At issue was whether a prior art reference enabled one of ordinary

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skill in the art to produce Elan's claimed transgenic mouse without undue experimentation. Without a disclosure enabling one skilled in the art to produce a transgenic mouse without undue experimentation, the reference would not be applicable as prior art.). A reference contains an "enabling disclosure" if the public was in possession of the claimed invention before the date of invention. "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his [or her] own knowledge to make the claimed invention." *In re Donohue*, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985).

A review of the MSF reference reveals that the reference does not disclose any description of the basic network architecture of the systems it describes. The MSF reference is simply a "white paper" (see above for a description of this term) that should be accorded the weight of such a document. The reference makes no mention of the basic building blocks that would be necessary to build the systems described by the reference by a person of ordinary skill in the art. In fact, on p. 5 of the MSF reference, it is specifically stated that:

This paper is not intended to provide a how-to guide of project management, nor does it attempt to explain the many techniques used by skilled project managers.

More specifically, the MSF reference makes no mention of any computer, processor, network or server – the basic building blocks of a network computer system, which is described in detail in Applicant's disclosure. In fact, there is no instance of the words "computer," "processor," "system," or "network" anywhere in the MSF reference. How can there be an enabling disclosure of a network computer system when none of these basic terms are even mentioned in the disclosure?

In short, the MSF reference is a general description of a project management approach, but the reference does not describe a computer system with enough specificity to be an "enabling disclosure." For this reason, the MSF

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reference is not an appropriate prior art reference and Applicant respectfully requests withdrawal of the rejection of claims 1-20 under 35 USC § 102(b).

CONCLUSION

Reconsideration and withdrawal of the Office Action with respect to claims 1-20 is requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

By: \_\_\_\_\_

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I hereby certify that a copy of this Office Action was submitted to the U.S. Patent and Trademark Office on October 2, 2007 via fax to 571-273-8300.

By: \_\_\_\_\_

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